

REMARKS

Claims 1-9 and 11-15 are pending. Claim 16 is canceled. Claims 1, 9 and 13 are currently amended. Applicant respectfully requests reexamination and reconsideration of the pending claims.

Rejections under 35 U.S.C. §103(a):

Claims 1-8 and 11-15 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over JP-2001-001059, in view of Shrayner et al. (USPN 6,199,419). Claims 9 and 16 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over JP-2001-001059, in view of Shrayner et al., and further in view of either Ruhlman (USPN 5,305,505) or Nakamura et al. (USPN 6,722,285). Applicants respectfully traverse and overcome the rejections as follows.

Claim 1 sets forth a method including “annealing the at least two pieces of material; friction stir welding the at least two pieces of annealed material together along the abutting edges to form a blank; and spin forming the blank.” Applicant could find no teaching or suggestion of this feature in the cited references.

As the Examiner has stated “JP ‘059 and Shrayner do not disclose annealing of a material prior to friction stir welding.” Moreover, JP ‘059 “does not disclose annealing prior to spin forming” as now set forth in Claim 1. The Examiner has cited Shrayner for the proposition that it was well known to “anneal aluminum alloy blanks prior to spinning.” Separately, the Examiner has cited Ruhlman and Nakamura et al. for the proposition that it was known in the art “to subject material that is in an annealed condition to friction welding.” Applicant respectfully contends that even if the secondary references disclose what the Examiner alleges, the combination of the alleged disclosure does not teach or suggest the Applicant’s claimed invention.

In contrast to the cited references, Applicant has claimed a method in which at least two pieces of material are annealed and friction stir welded together to form a blank. The blank is spin formed into a desired article. There is no reading of JP ‘059 in combination with Shrayner,

Ruhlman or Nakamura et al. that would teach or suggest that the features annealing, friction stir welding and spinning be performed together, in combination, to create a method for making spin blanks.

Applicant further contends that the Examiner's combination of the cited references to arrive at Applicant's invention is done using impermissible hindsight, since the combination of the features of Claim 1 may now seem obvious only now that the Applicant has claimed them, but would not have otherwise occurred to one of ordinary skill from the cited references without having been taught by Applicant's disclosure. Accordingly, Claim 1 is allowable over the cited references, and the allowance of Claim 1 is respectfully requested.

Claim 13 sets forth, the same features as Claim 1, with an additional annealing step occurring between the friction stir welding and the spin forming steps. For reasons similar to those stated above, Claim 13 is also allowable of the cited references, and the allowance of Claim 13 is respectfully requested.

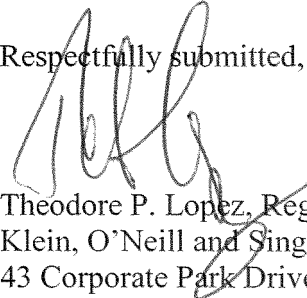
Claims 2-9 and 11-12 depend from Claim 1 and are therefore allowable for at least the same reasons as Claim 1. Claims 14 and 15 depend from Claim 13 and are therefore allowable for at least the same reasons as Claim 13.

Serial No. 10/658,598
Response to Office Action Dated April 19, 2006
Docket No. 03-0076 (952-70-PA-T)

CONCLUSION

For the above reasons, pending Claims 1-9 and 11-15 are in condition for allowance and allowance of the application is hereby solicited. If the Examiner has any questions or concerns, a telephone call to the undersigned at 949-955-1920 is welcomed and encouraged.

Respectfully submitted,



Theodore P. Lopez, Reg. No. 44,881
Klein, O'Neill and Singh, LLP
43 Corporate Park Drive
Suite 204
Irvine, California 92606
Tel: 949-955-1920
Fax: 949-955-1921

Date: August 17, 2006